

AT 2036.00

## Certificate of Mailing/Transmission (37 C.F.R. § 1.10(a)):

[ X ] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Office of Petitions, Box DAC, Commissioner for Patents at Facsimile No. (703) 308-6916.

Dated: March 7, 2003

Name of Person Certifying:

Printed Name: Peggy Nichols

#33  
Letter  
S. Bryce  
5/22/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Thomas A. SILVESTRINI

U.S. Application. No.: 08/993,946

Filing Date: December 18, 1997

For: CORNEAL IMPLANT METHOD AND  
PLIABLE IMPLANT THEREFOR

Examiner: D. Willse

Group Art Unit: 3738

Box DAC  
Attn: Office of Petitions  
Commissioner for Patents  
Washington, D.C. 20231

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PETITIONS OFFICE

## SUPPLEMENTAL COMMUNICATION

Sir:

On January 17, 2003, an Amendment and Response to Final Office Action was filed in connection with the above-identified application. A Request for Continuing Examination (RCE) transmittal was to be concurrently filed on January 17, 2003, but was inadvertently and unintentionally omitted and consequently not filed at that time. Applicant's undersigned attorney believes that due to the failure to include the RCE transmittal, a Notice of Abandonment will be issued in due course. Accordingly, in order to avoid delay and continue with the prosecution of the subject application, enclosed herewith is a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) including the RCE transmittal (further requesting entry of the previously filed amendments).

Applicant respectfully requests entry of the amendments to the claims and consideration of the accompanying remarks as filed on January 17, 2003.

No additional fee, other than the Petition fee and fee for the filing of an RCE is considered necessary. However, Applicant authorizes the Commissioner to charge the cost of the petition fee, RCE fee and/or other fees which may be considered necessary by the Commissioner in connection with the filing of these documents to Deposit Account No. 50-2518, referencing billing number 23915-7321.

Respectfully submitted,

Date: March 7, 2003

By: Antoinette F. Konski  
Antoinette F. Konski  
Registration No.: 34,202

Bingham McCutchen LLP  
Formerly McCutchen, Doyle, Brown & Enersen LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, CA 94111  
Telephone: (650) 849-4400  
Facsimile: (650) 849-4800

BINGHAM McCUTCHEN

# Facsimile

DATE March 7, 2003

	NAME	FAX	PHONE
TO	Attn: Office of Petitions, Box DAC	(703) 308-6916	

FROM Antoinette F. Konski (650) 849-4800 (650) 849-4950  
Antoinette.konski@bingham.com

PAGES (INCLUDING THIS COVER PAGE): 9  
Application Serial No. 08/993,946

RE Request for Continued Examination and Petition to Revive

## Message:

Bingham McCutchen LLP  
1900 University Avenue  
East Palo Alto, CA  
94303-2223

650.849.4400  
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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

8

Application Number	08/993,948
Filing Date	December 18, 1997
First Named Inventor	Thomas A. Silvestrini
Group Art Unit	3728
Examiner Name	D. Wilise

Attorney Docket No.

AT 2036.00

**ENCLOSURES (check all that apply)**

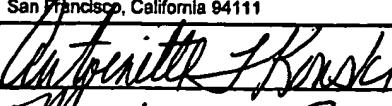
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Request for Continued Examination, Supplemental Communication and Return Postcard
<input type="checkbox"/> Supplemental Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

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MAR 07 2003

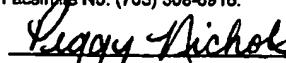
**PETITIONS OFFICE****SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Antoinette F. Konski Bingham McCutchen LLP Three Embarcadero Center, Suite 1800 San Francisco, California 94111
Signature	
Date	March 7, 2003

**CERTIFICATE OF FACSIMILE**

Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Office of Petitions, Box DAC, Commissioner for Patents at Facsimile No. (703) 308-6918.

March 7, 2003



Peggy Nichols

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

# FEE TRANSMITTAL FOR FY 2003

## DUPLICATE COPY FOR FEE PROCESSING

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$1,020.00)

Complete If Known

Application Number	08/883,948
Filing Date	December 18, 1997
First Named Inventor	Thomas A. Silverstein
Examiner Name	D. Willis
Group Art Unit	3738

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ATTORNEY DOCKET NO. AT 2038.00 PETITIONS OFFICE

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number  
50-2518Deposit Account Name  
Bingham McCutchen LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27.

2.  Payment Enclosed:

Check  Credit Card  Money Order  Other

## FEE CALCULATION (continued)

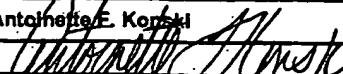
## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	830	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	650.00
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per properties (linea number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	375.00
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid _____					
SUBTOTAL (3) (\$)					

\*\* or number previously paid, if greater; For reissues, see above.

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Antoinette E. Komski	Registration No. (Attorney/Agent)	34,202	Telephone	(650) 849-4950
Signature				Date	March 7, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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